

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 2, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on June 2, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Mione, Council Vice President Morelli (8:40pm) and Council President Pernice. Councilman Cantor was absent.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

The following Resolution #2005-221 (Participation in Self-Examination Process - Municipal Budget) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione and was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Morelli).

RESOLUTION # 2005-221

RESOLUTION REGARDING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b, has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Marlboro meets the necessary conditions to participate in the program for the 2005 Budget year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Council of the Council of Marlboro has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated, pursuant to law, and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges;
- b. Deferred charges and statutory expenditures;
- c. Cash deficit of preceding year;
- d. Reserve for uncollected taxes;
- e. Other reserves and non-disbursement items; and
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations, pursuant to N.J.S.A. 40A: 4-45.2, and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated;
- b. Items of appropriation are properly set forth; and
- c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised, in accordance with the relevant provisions of the Local Budget law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

The following Resolution # 2005-222 (Budget Amendments) was read into the record by Council President Pernice, offered by Councilman Denkensohn and seconded by Councilman Mione. After discussion, the resolution was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Morelli).

RESOLUTION # 2005-222

RESOLUTION OF THE TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
TO AMEND INTRODUCED BUDGET

WHEREAS, the local municipal budget for 2005 was introduced on May 5, 2005, and

WHEREAS, the public hearing and anticipated date of adoption for said budget is June 2, 2005, and

WHEREAS, the Township Council of the Township of Marlboro desires to amend said budget prior to adoption,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, that the following amendment be made to the 2005 introduced municipal budget:

	From	To
Revenues:		
1. Surplus Anticipated	\$ 5,600,000.00	\$ 5,606,170.00
3. Miscellaneous Revenues – Section F:		
Municipal Alliance on Alcoholism and Drug Abuse		
0.0		22,000.00
Total Miscellaneous Revenues Section F	401,344.57	423,344.57
Total Miscellaneous Revenues	5,976,330.57	5,998,330.57
5. Subtotal General Revenues	12,741,330.57	12,769,500.57
7. Total General Revenues	\$ 28,221,707.17	28,250,384.68

Appropriations:

E. Deferred Charges and Statutory Expenditures – Municipal within “CAPS”		
Prior Year Bills	14,266.19	15,436.19
Total Deferred Charges & Statutory Expenditures – Municipal within “CAPS”	963,816.19	964,986.19
Total General Appropriations for Municipal Purposes within “CAPS”	18,834,961.19	18,836,131.19
A. Operations – Excluded from “CAPS”		
Municipal Alliance on Alcoholism and Drug Abuse		
0.0		22,000.00
Matching Funds for Grants	0.0	5,500.00
Total Public and Private Programs Offset by Revenue	402,744.57	430,244.57
Total Operations – Excluded from “CAPS”	4,450,404.57	4,477,904.57
Detail: Other Expenses:	3,831,404.57	3,858,904.57
L. Subtotal General Appropriations	26,519,916.27	26,548,586.27
9. General Appropriations	28,221,707.17	28,250,384.68

Council President Pernice opened the Public Hearing on the amendments to the 2005 Municipal Budget. The public hearing

was closed after all those who wished to speak were finished commenting.

The following Resolution # 2005-223 (Adoption of 2005 Municipal Budget As Amended) was read into the record by Business Administrator Judith Tiernan, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 - 1 in favor with Councilman Mione voting no (Absent: Cantor).

RESOLUTION # 2005-223

SECTION 2 - UPON ADOPTION FOR YEAR 2005

BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$15,480,884.11 for municipal purposes and \$603,456.37 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.*

* Copies of attached material to be found in regular minute book in Clerk's office.

The following Res. # 2005-204/Ord. #2005-18 (Bond Ordinance - Lighting Poles & Fixtures) was introduced as amended by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). The Public Hearing on this ordinance had been held and closed on May 19th).

RESOLUTION # 2005-204

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A CONTRIBUTION TOWARD THE CAPITAL COST OF INSTALLING STREET LIGHTING POLES AND FIXTURES AT VARIOUS LOCATIONS WITHIN THE TOWNSHIP OF

MARLBORO AND APPROPRIATING \$265,000 THEREFOR, AND
PROVIDING FOR THE ISSUANCE OF \$251,750 IN BONDS OR NOTES
OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on May 5, 2005, public hearing
held May 19, 2005, be adopted on second and final
reading this 2nd day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

ORDINANCE # 2005-18

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, PROVIDING FOR A CONTRIBUTION TOWARD
THE CAPITAL COST OF INSTALLING STREET LIGHTING POLES AND
FIXTURES AT VARIOUS LOCATIONS WITHIN THE TOWNSHIP OF
MARLBORO AND APPROPRIATING \$265,000 THEREFOR, AND
PROVIDING FOR THE ISSUANCE OF \$251,750 IN BONDS OR NOTES
OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW
JERSEY (not less than two-thirds of all members thereof
affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described
in Section 3 of this bond ordinance is hereby authorized
to be undertaken by the Township of Marlboro, in the
County of Monmouth, New Jersey (the "Township") as a
general improvement. For the improvement or purpose
described in Section 3 hereof, there is hereby
appropriated the sum of \$265,000 including the sum of
\$13,250 as the down payment for the improvement or purpose
required by the Local Bond Law. The down payment has been
made available by virtue of provision in the capital
improvement fund in one or more previously adopted
budgets.

Section 2. In order to finance the cost of the
improvement or purpose not covered by application of the
down payment or otherwise provided for hereunder,
negotiable bonds are hereby authorized to be issued in the
principal amount of \$251,750 pursuant to the Local Bond
Law. In anticipation of the issuance of the bonds,
negotiable bond anticipation notes are hereby authorized

to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the contribution to Jersey Central Power and Light Company toward the capital cost of installing street lighting poles and fixtures at various locations within the Township, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$251,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement or

purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. # 2005-205/Ord. #2005-19 (Bond Ordinance - Information Sign) was introduced as amended by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). The Public Hearing on this ordinance had been held and closed on May 19th.

RESOLUTION # 2005-205

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION AND/OR ACQUISITION OF A COMPUTER OPERATED INFORMATION SIGN FOR THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX AND APPROPRIATING \$45,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$42,750 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME which was introduced on May 5, 2005, public hearing held May 19, 2005, be adopted on second and final reading this 2nd day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2005-19

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION AND/OR ACQUISITION OF A COMPUTER OPERATED INFORMATION SIGN FOR THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX AND APPROPRIATING \$45,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$42,750 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$45,000 including the sum of \$2,250 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$42,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the construction and/or acquisition of a double-sided computer operated information sign to be installed in front of the Township Municipal Complex, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer.

The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$42,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of \$2,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Township reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the costs of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Pernice opened the Public Hearing on Ordinance #2005-20 (Amending Recycling Fees). After the Public Hearing was held and closed, the following Res. # 2005-224/Ord. #2005-20 (Amending Recycling Fees) was introduced as amended by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 1 in favor with Councilman Mione voting no (Absent: Cantor).

RESOLUTION # 2005-224

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES," ARTICLE III "MUNICIPAL SERVICES," SECTION 62-4 "FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on May 19, 2005, public hearing held June 2, 2005, be adopted on second and final reading this 2nd day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. #2005-225/Ord. #2005-21 (MCIA) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-225

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-21

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,
NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A
LEASE AND AGREEMENT RELATING THERETO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 16, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-21

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,
NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A
LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro (the Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease") a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$535,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

2005 CAPITAL LEASE ORDINANCE

Participant: Township of Marlboro			
Equipment	Useful Life (Years)	Lease Term (Years)	Acquisition Cost
Police Vehicles	3	3	400,000.00
Computer Equipment	3	3	100,000.00
Total Cost of Equipment			500,000.00

The following Res. #2005-226/Ord. #2005-22 (Traffic Regulations - Kensington Gate) was introduced by reference, offered by Councilman Denkensohn and seconded by Councilman Mione. Discussion followed, during which Captain Eric Landau addressed Council's questions. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 20005-226

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-22

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE
ONE OF TITLE 39 WITH VARIOUS TRAFFIC
REGULATIONS APPLICABLE TO KENSINGTON GATE
DEVELOPMENT AND REGULATING THE USE OF SAID
ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS
BY MOTOR VEHICLES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 16, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-22

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE
ONE OF TITLE 39 WITH VARIOUS TRAFFIC
REGULATIONS APPLICABLE TO KENSINGTON GATE
DEVELOPMENT AND REGULATING THE USE OF SAID
ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS
BY MOTOR VEHICLES

WHEREAS, by Ordinance #2004-22, the Township of Marlboro made Subtitle One of Title 39 of the revised statutes of New Jersey applicable to the semi-public roads, streets, driveways and parking lots at Huxley Court located in the Kensington Gate Development; and

WHEREAS, the Township of Marlboro now desires to make said statutory provisions applicable to additional streets located in the Kensington Gate Development.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, that John E. Towle, Vice President, Centex Homes, LLC has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Kensington Gate located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable to said roads, streets, driveways and parking lots, thereby amending and supplementing Chapter 138 "Vehicles and Traffic" of the Code of the Township of Marlboro:

REGULATIONS:

1. General Parking:

A. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
LeCarre Drive	Both	All	As indicated on Site Plan
Milton Court	East	All	As indicated on Site Plan
Austen Court	North	All	As indicated on Site Plan
Blake Drive	North	All	As indicated on Site Plan

Coleridge Drive	N/A	All	As indicated on Site Plan
Kipling Court	North	All	As indicated on Site Plan
Huxley Court	North	All	As indicated on Site Plan

2. Through Streets and Stop Intersections:

A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the through Street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
Coleridge Drive	Entire Length

B. Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s)</u>
Austen Court and Milton Court	Milton Court

on:

3. Speed Limits:

A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
All Roads	25	Entire Length

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

4. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian

walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

5. Mid-Block Crosswalks:

The following locations shall be established as Mid-Block Crosswalks:

<u>Name of Street</u>	<u>Location</u>
Huxley Court	Beginning at a point 630 feet north of the northerly curb line of Coleridge Drive and extending to a point ten (10) feet northerly therefrom.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Resolution #2005-227 (Amending Res. #2005-207 - Certifying Marlboro Board of Education Budget) was introduced by reference, offered by Councilman Mione, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor with Councilman Denkensohn abstaining. (Absent: Cantor).

RESOLUTION # 2005-227

A RESOLUTION AMENDING RESOLUTION #2005-207

WHICH CERTIFIED THE MARLBORO TOWNSHIP BOARD OF EDUCATION
2005-2006 SCHOOL BUDGET

WHEREAS, the Marlboro Township Board of Education's
2005-2006 budget was defeated on April 19, 2005 and

WHEREAS, by Resolution #2005-207, the Township of
Marlboro certified, pursuant to N.J.S.A. 18A:22-37, the
amounts necessary to provide a thorough and efficient
system of education in the Marlboro Township School
District without adversely affecting the quality of
education for the students of the District; and

WHEREAS, Resolution #2005-207 contained certain
typographical errors which the Township Council now
desires to correct.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the
Township Council of the Township of Marlboro that
Resolution #2005-207 be and hereby is amended to state
that the following amounts are certified as the amounts
necessary to provide a thorough and efficient system of
education in the Marlboro Township School District without
adversely affecting the quality of education for the
students of the District:

Local Tax Levy -- General Fund	
\$51,353,120.00 (unchanged)	
Local Tax Levy -- Debt Service Fund	
\$ 3,920,588.00 (changed from \$4,762,132.00)	
State Aid & Miscellaneous Revenues	
\$13,997,557.00 (changed from \$13,156,013.00)	
TOTAL:	\$69,271,265.00 (unchanged)

BE IT FURTHER RESOLVED that a copy of this Resolution
be forwarded to the following:

- a. Board President, Marlboro Township School District
- b. State Commissioner of Education
- c. Superintendent of Schools
- d. County Board of Taxation
- e. Township Attorney

Andy Bayer, Esq. suggested Council table the following Resolution #2005-212 (tabled 5/19 - Authorizing Release of Bond to Township - Repairs) pending Township Engineer James Priolo's final inspection report. Motion to table was offered by Council President Pernice, seconded by Councilman Denkensohn, and as there was no objection to table, the Clerk was asked to cast one ballot (Absent: Cantor).

Resolution #2005-288 (Supporting Assembly Bill 4065, 4066 & 4067) was carried to the June 16th agenda.

The following Resolution #2005-229 (Liquor License Renewals - July 1, 2005 - June 30, 2006) was introduced by reference, offered by Councilman Denkensohn and seconded by Councilman Mione. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-229

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2005 through June 30, 2006.

- | | | |
|----|--|-----------------|
| 1. | Hituja Corp.
T/A Marlboro Buy Rite Liquors | 1328 44 001 006 |
| 2. | T & C Restaurant Inc.
T/A Crown Palace | 1328 33 005 006 |
| 3. | Gene and Lottie Janowski, Inc.
T/A Fireside Lodge | 1328 33 003 002 |
| 4. | I.R Restaurant Corp. | 1328 33 007 004 |
| 5. | Anna Ulaskevich
T/A Andiron Inn | 1328 33 010 002 |
| 6. | M. S. D. Enterprise, Inc.
T/A Martucci's Deli | 1328 44 009 003 |
| 7. | Briad Restaurant Group,L.L.C.
T/A TGI Fridays | 1328 33 017 002 |
| 8. | Worthwhile, Inc.
T/A Cambridge Spirits Unlimited | 1328 44 016 002 |

9. Bella Vista Country Club	1328 33 004 004
10. JRJ Hospitality Inc. T/A Nonna's	1328 33 015 011
11. A.J.R. Restaurant Group 1440 Garret Drive, Wall 07719	1328 33 018 001
12. Morganville Vol. Fire Co. No. 1	1328 31 013 001
13. Morganville Ind. Vol. Fire Co. Inc.	1328 31 012 001
14. Robertsville Vol. Fire Co. #1	1328 31 014 001

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2005-230 (Award of Bid - Cell Tower) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-230

A RESOLUTION AWARDING A LEAD BIDDER LAND LEASE FOR THE CONSTRUCTION OF A SELF-SUPPORTING WIRELESS TELECOMMUNICATIONS MONOPOLE ON A PORTION OF THE PROPERTY KNOWN AS UNION HILL ROAD, LOT 20, BLOCK 299 TO OMNIPOINT COMMUNICATIONS, INC. AND A CO-LOCATOR LEASE AGREEMENT TO NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for a land lease for the construction of a self-supporting wireless telecommunications monopole and ancillary wireless telephone support equipment and structure with simultaneous leasing and co-location of up to six carriers on a portion of the property known as Union Hill Road, Lot 20, Block 299; and

WHEREAS, the minimum annual base rent was established at twenty three thousand dollars (\$23,000.00) to be paid to the Township of Marlboro for each year in twelve equal monthly installments; and

WHEREAS, two bids were received as follows:

1. Omnipoint Communications, Inc., Attn: Bryan Fleming, 4 Sylvan Way, Parsippany, New Jersey 07054 for an annual base rent of \$25,989.56; and

2. New York SMSA Limited Partnership d/b/a Verizon Wireless, Attn: David R. Heverling, 141 Industrial Parkway, Branchburg, New Jersey 08876 for an annual base rent of \$23,000.00; and

WHEREAS, Administration and the Township Attorney have reviewed the bids received and recommend that a Lead Bidder Lease Agreement be awarded to Omnipoint Communications, Inc. for an annual base rent of \$25,989.56, as the highest responsive bidder, and a Co-Locator Lease Agreement be awarded to New York SMSA Limited Partnership d/b/a Verizon Wireless for an annual base rent of \$23,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Lead Bidder Lease Agreement be and hereby is awarded to Omnipoint Communications, Inc. for the annual base rent of \$25,989.56 and in accordance with the terms and conditions of the bid specifications and that the Mayor is authorized to execute a Lease Agreement between the Township of Marlboro and Omnipoint Communications, Inc., in a form legally acceptable to the Township Attorney; and

BE IT FURTHER RESOLVED, that a Co-Locator Lease Agreement be and hereby is awarded to New York SMSA Limited Partnership d/b/a Verizon Wireless for the annual base rent of \$23,000.00 and in accordance with the terms and conditions of the bid specifications and that the Mayor is authorized to execute a Lease Agreement between the Township of Marlboro and New York SMSA Limited Partnership d/b/a Verizon Wireless, in a form legally acceptable to the Township Attorney; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Omnipoint Communications, Inc.
- b. New York SMSA Limited Partnership d/b/a Verizon Wireless
- c. Chief Financial Officer
- d. Business Administrator

e. Gluck Walrath LLP

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor: (Absent: Cantor). Res. #2005-231 (Authorizing State Contract - 4 Bay Swing Set), Res. #2005-232 (Authorizing State Contract - Carpeting - Municipal Complex), Res. #2005-233 (Authorizing State Contract - Furniture - Municipal Complex), Res. #2005-234 (Authorizing State Contract - Police Security System) and Res. #2005-235 (Raffle License St. Gabriel's Church).

RESOLUTION # 2005-231

RESOLUTION AUTHORIZING THE PURCHASE OF ONE
(1) NEW 4 BAY SWING SET FOR THE TOWNSHIP OF
MARLBORO SWIM CLUB STATE CONTRACT A59052

WHEREAS, the Marlboro Township Swim Club has recommended that the Township purchase one (1) new 4 Bay Swing Set from GameTime, Inc. c/o Marturano Recreation, PO Box 449, Bricktown, NJ 08723 under State Contract #A59052 for the amount of \$7,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Swim Club; and

WHEREAS, funds are available in Current Account Number 5-07- -701-707 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) new 4 Bay Swing Set from GameTime, Inc. c/o Marturano

Recreation, PO Box 449, Bricktown, NJ 08723 under State Contract #A59052 for the amount of \$7,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. GameTime, Inc.
c/o Marturano Recreation
Bricktown, NJ
- b. Township Administrator
- c. Township Swim Club
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-232

RESOLUTION AUTHORIZING THE PURCHASE AND
INSTALLATION OF CARPETING FOR THE MARLBORO
TOWNSHIP MUNICIPAL COMPLEX
STATE CONTRACT #A84600

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase carpeting from Hannon Floors, 1119 Springfield Road, Union, NJ 07083 under State Contract #A84600 for the amount of \$51,458.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-943-901 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that

authorization is hereby granted to purchase carpeting from Hannon Floors, 1119 Springfield Road, Union, NJ 07083 under State Contract #A84600 for the amount of \$51,458.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Hannon Floors,
Union, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-233

RESOLUTION AUTHORIZING THE PURCHASE AND
INSTALLATION OF OFFICE FURNITURE FOR THE MARLBORO
TOWNSHIP MUNICIPAL COMPLEX
STATE CONTRACT #A57058

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase office furniture from Herbert L. Farkas Company, 156 Algonquin Parkway, Whippany, NJ 07981 under State Contract #A57058 for the amount of \$195,994.20; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-900-928, X-04-55-907-929, X-04-55-907-928, X-04-55-918-928, X-04-55-918-929, X-04-55-934-928, X-04-55-934-929, X-04-55-943-901 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase office furniture from Herbert L. Farkas Company, 156 Algonquin Parkway, Whippany, NJ 07981 under State Contract #A57058 for the amount of \$195,994.20; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Herbert L. Farkas Company
Whippany, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-234

RESOLUTION AUTHORIZING ADDITIONS AND ALTERATIONS TO THE
EXISTING CCTV AND ACCESS CONTROL SYSTEM FOR THE MARLBORO
TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Marlboro Township Police Department contacted certain companies to request estimates for additions and alterations to the existing CCTV and Access Control System; and

WHEREAS, the Police Department received the following estimates:

1. Complete Security Systems, Marlboro, New Jersey - \$8,800.00
2. Home Entertainment Systems of New Jersey, Inc., Matawan, New Jersey - \$11,520.00
3. Service Works, Inc., Farmingdale, New Jersey - \$12,240.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Police Department have reviewed the estimates received and recommend that a contract be awarded to Complete Security Systems for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Number X-04-55-955-908 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said items;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for additions and alterations to the existing CCTV and Access Control System from Complete Security Systems, 94 Vanderburg Road, Marlboro, New Jersey 07746; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Complete Security System
Marlboro, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-235

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 09-05 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 10, 2005 at 6:00 PM at Bella Vista Country Club, 100 School Road East, Marlboro, N. J. 07746.

The following Res. # 2005-237/Ord. #2005-23 (Ordinance for Residency Prohibition for Sex Offenders) was introduced by reference, offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor. (Absent: Cantor).

RESOLUTION # 2005-237

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-23

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG-FREE ZONES" TO INCLUDE A NEW ARTICLE ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 16, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-23

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG-FREE ZONES" TO INCLUDE A NEW ARTICLE ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION"

WHEREAS, the children of the Township of Marlboro are our greatest resource and should be nurtured and protected; and

WHEREAS, there are presently no State laws which concern or touch upon the prohibition of convicted sex offenders from residing or living near areas where children regularly meet and congregate; and

WHEREAS, the Township of Marlboro believes that, in addition to the already adopted Megan's Law, it is in its residents' best interests to adopt additional regulations regarding convicted sex offenders, so as to protect the health, safety and welfare of the children of the Township of Marlboro.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the title of Chapter

10 "Drug-Free Zones" of the Code of the Township of Marlboro be and hereby is changed to Chapter 10 "Drug-Free Zones; Sex Offender Residency Prohibition" and the current Sections 10-1 through 10-5 are hereby recodified under Article I "Drug-Free Zones"; and

BE IT FURTHER RESOLVED, that a new Article II "Sex Offender Residency Prohibition" is hereby added to Chapter 10 and shall read in its entirety as follows:

§ 10-6 Sex Offender Residency Prohibition

A. No person over the age of 18 who has been convicted of a violation of any crime against a minor as listed in N.J.S.A. 2C:7-2, and who, as a result of said conviction, is required to register with the proper authorities pursuant to N.J.S.A. 2C:7-1, *et seq.*, "Registration and Notification of Release of Certain Offenders," shall be permitted to reside or live within 2,500 feet of any school, park, athletic field, playground or day care center in the Township.

B. Any such person who resides or lives within 2,500 feet of any school, park, playground or day care center in the Township shall have sixty (60) days from receipt of written notice of the prohibition set forth herein to move from said location. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this section.

C. This section shall not apply to a person who has established a residence prior to the effective date of this Ordinance.

D. Any violation of this section shall be punishable by a fine not exceeding \$1,250.00; imprisonment for a term not exceeding 90 days and/or a period of community service not exceeding 90 days.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

At 10:00PM, Councilman Mione moved that the meeting go into executive session for reason of discussing COAH, litigation, and personnel. This was seconded by Councilman Denkensohn, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor). Recess was called and the executive session commenced at 10:15PM.

RESOLUTION # 2005-236

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of June, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, COAH, personnel and anticipated litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 50 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. No action will be taken following the executive session.

At 11:05PM, Council President Pernice moved that the meeting be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:10PM, Council Vice President Morelli moved that the meeting be adjourned. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 14, 2005

OFFERED BY: Denkensohn AYES: 4

SECONDED BY: Morelli NAYS: 0

ABSTAIN: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT